

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER GERACE, JR.,

Defendant.

NOTICE OF MOTION

Case No. 19-CR-227

S I R S :

PLEASE TAKE NOTICE that the undersigned will move this Court, at a date and time to be determined by this Court, for the following relief:

(1) An order sealing the defense motion for an order under Rule 12(b)(3)(C)(4)(c)(3) suppressing all evidence acquired during the execution of warrants to search Mr. Gerace's home and business issued in November 2019 and memorandum of law in support thereof; and

(2) Such other and further relief as the Court deems proper.

DATED: April 11, 2023
Buffalo, New York

Respectfully submitted,

/s/ Joseph M. LaTona

JOSEPH M. LaTONA

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TO: TRINI E. ROSS, ESQ.
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NICHOLAS COOPER, ESQ.
JORDAN ALAN DICKSON, ESQ.
Assistant United States Attorneys

Attorney for Defendant,
PETER GERACE, JR.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AFFIDAVIT

Case No. 19-CR-227

PETER GERACE, JR.,

Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

JOSEPH M. LaTONA, being duly sworn, deposes and says:

1. Deponent represents defendant Peter Gerace, Jr. in connection with pre-trial proceedings in this case.

2. It is requested that the defense motion for an order under Rule 12(b)(3)(C)(4)(c)(3) suppressing all evidence acquired during the execution of warrants to search Mr. Gerace's home and business issued in November 2019 and memorandum of law in support thereof be filed under seal.

3. This request is designed to insure that matters encompassed by the Protective Order are not publicly disclosed.

WHEREFORE, deponent respectfully requests that this Court grant the relief sought in the annexed Notice of Motion, together with such other and further relief as the Court deems proper.

Sworn to before me this
11th day of April, 2023.

/s/ Joseph M. LaTona
JOSEPH M. LaTONA, ESQ.

/s/ Sandra Lee Wright
Notary Public

SANDRA LEE WRIGHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 29, 2026

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2023 I electronically filed the preceding Notice of Motion and supporting Affidavit with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Joseph M. Tripi, Esq.
David J. Rudroff, Esq.
Nicholas Cooper, Esq.
Jordan Alan Dickson, Esq.
Assistant United States Attorneys

Defense Counsel

I further hereby certify that I have mailed by United States Postal Service said document to the following non-CM/ECF participants:

None

/s/ Sandra Lee Wright

SANDRA LEE WRIGHT